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Before the

FEDERAL COMMUNICATIONS COMMISSION

OCT - 4 1993

Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments
FM Broadcast Stations
(Ocracoke, North Carolina)MM Docket No. 93-214
RM-8287

To: Chief, Allocations Branch

REPLY COMMENTS OF OCRACOCK BROADCASTERS

Ocracoke Broadcasters ("OB"), permittee of a new FM Broadcast Station at Ocracoke, North Carolina, by its attorney, hereby submits its Reply Comments in the above captioned proceeding. These Reply Comments are submitted pursuant to Notice of Proposed Rule Making in MM Docket No. 93-214, released July 22, 1993. In support the following is stated:

BACKGROUND

1. OB petitioned the Commission to substitute Channel 224C1 for Channel 225A at Ocracoke, North Carolina and modify its outstanding construction permit for the new station allowing operation on the upgraded channel. The Commission issued a Notice of Proposed Rule Making seeking comments on this proposal.

2. During the comment period, a counterproposal was submitted by Lawrence F. and Margaret A. Loesch ("Loesch"), licensee of Station WERX(FM) at Edenton, North Carolina.

OF 4

WERX(FM) presently operates with Class C2 facilities on FM Channel 273. The Loesch counterproposal seeks to reallocate Channel 273 to Columbia, North Carolina and upgrading the facility to Class C1. To accommodate the WERX(FM) upgrade, it was proposed to site restrict the antenna site for the facility well to the south of Columbia. In order to allow for the upgrade of WERX(FM) to Class C1 status on Channel 273C1, Loesch proposed to substitute Channel 224A for Channel 272A at Pine Knoll Shores, North Carolina.

2. Loesch further stated that the population within the proposed WERX(FM) 60 dBu service contour for Class C1 operation totaled far more persons than what could be gained with the Ocracoke station operating with Class C1 facilities. For this reason, Loesch stated that their counterproposal should be allowed over the proposed upgrade for the new Ocracoke station from Channel 225A to Channel 224C1.

THE OB PROPOSAL BETTER SERVES THE PUBLIC INTEREST

3. Loesch attempts to reassign Channel 273 to Columbia, North Carolina. Columbia presently receives local service from WRSF(FM) on FM Channel 289C1. Columbia had a 1990 population of just 836 persons. Edenton, North Carolina, WERX(FM)'s present community of license, had a 1990 population of 5,268 persons. Although Edenton has other local broadcast service, it can in no way be construed that the public interest would be served by

reassigning a channel to a community just 15.8% percent as large, especially when the smaller community already has a Class C1 channel allotment. Should the Commission reallocate Channel 273 to Columbia and allow the upgrade to Class C1 status, Columbia would have a Class C1 facility for every 418 persons. This is in contrast to Edenton, where if the reallocation is allowed, would have just one FM channel allotted to the community of 5,268 persons. The minute gain in local service at Columbia can not justify the great loss in local service at Edenton.

4. Loesch presently provides 70 dBu service to Columbia with its Class C2 facilities. The WERX(FM) antenna is located approximately 9.5 kilometers west of Columbia. Loesch is perfectly able to change communities of license to Columbia and continue operation as a Class C2 facility. A Class C1 facility is not needed for WERX(FM) to provide 70 dBu service to Columbia.

5. Loesch's allocation coordinates for Channel 273C1 are located near Gum Neck, in a very isolated, low and swampy area of Tyrrell County, North Carolina. From the proposed allocation coordinates it would be most difficult, if not entirely impossible, to construct any tower, much less one over one thousand feet in height. Attached as Exhibit 1 is a map showing this specific area of Tyrrell County.

6. In addition, Loesch's proposed allocation coordinates are located in a restricted flight area. The proposed

coordinates are in a bombing range used by low flying aircraft from military bases on the east coast. It would be difficult to imagine the United States military allowing the construction of a one thousand foot tower for WERX(FM) in an area where low level practice bombing runs are made. Exhibit 2 is a copy of a portion of the Charlotte Sectional Aeronautical Chart showing the location of the proposed allocation coordinates and the designation of the restricted flight area.

7. Although Channel 273C1 could be allocated at a point south of the restricted flight area, this move would greatly lessen the number of persons within the proposed 70 dBu service contour for WERX(FM). OB asserts that the population that Loesch states would receive 60 dBu service, if WERX(FM) were allowed to operate with full Class C1 facilities, is in reality much less than reported in the counterproposal. Since it would be highly unlikely that a tower to support a full Class C1 facility could be constructed at the proposed allocation coordinates, it is fundamentally unfair to attribute population from those coordinates when comparing any population gain from the proposed upgrade at Ocracoke.

8. Finally, Loesch relies heavily on the population gain that would be achieved by the proposed upgrade of facilities for WERX(FM). Specifically, Loesch states that over 35,000 persons would be added to the station's 60 dBu service contour. Loesch

further states that any gain realized by the proposed upgrade at Ocracoke would be insignificant. Nothing could be farther from the truth! Obviously, Loesch did not notice where the proposed allocation coordinates are for the Class C1 upgrade at Ocracoke. The allocation coordinates are located on the mainland in Carteret County which allows the Ocracoke station, if operating as a Class C1 facility, to cover a significant portion of central coastal North Carolina within its 60 dBu service contour. Specifically, the Ocracoke upgrade would provide 60 dBu service to 144,569 persons. As a Class A facility on Channel 225A, the Ocracoke station covers just 617 persons. The proposed Ocracoke upgrade would increase by 234.3 times the number of persons in the station's 60 dBu service contour. Attached, as Exhibit 3, is a copy of the population data derived from Broadcast Data Service's computer integration program. Attached as Exhibit 4 is a map showing the Ocracoke station's 1.0 service contour from the proposed allocation coordinates. Also included as part of Exhibit 4 are the distances to the 60 dBu service contour as computed by Broadcast Data Services.

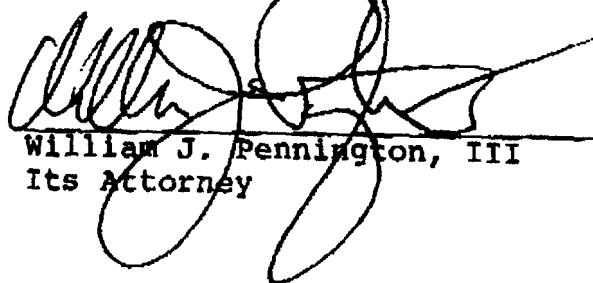
9. The information and material provided herein makes it clearly evident that the proposed upgrade of the Ocracoke station, by providing new 60 dBu service to over 144,900 persons, should be preferred over the upgrade of WERX(FM).

THEREFORE, it is respectfully requested that the Commission

(i) deny Loesch's counterproposal seeking the reallocation of Channel 273 to Columbia, North Carolina and the modification of the license for Station WERX(FM) allowing operation as a Class C1 facility and; (ii) substitute Channel 224C1 for Channel 225A at Ocracoke, North Carolina and modify OB's outstanding construction permit to allow operation with the upgraded facilities.

Respectfully submitted,

OCRACOKE BROADCASTERS



William J. Pennington, III
Its Attorney

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(803) 237-2591

October 2, 1993

EXHIBIT 1

12/1/89...

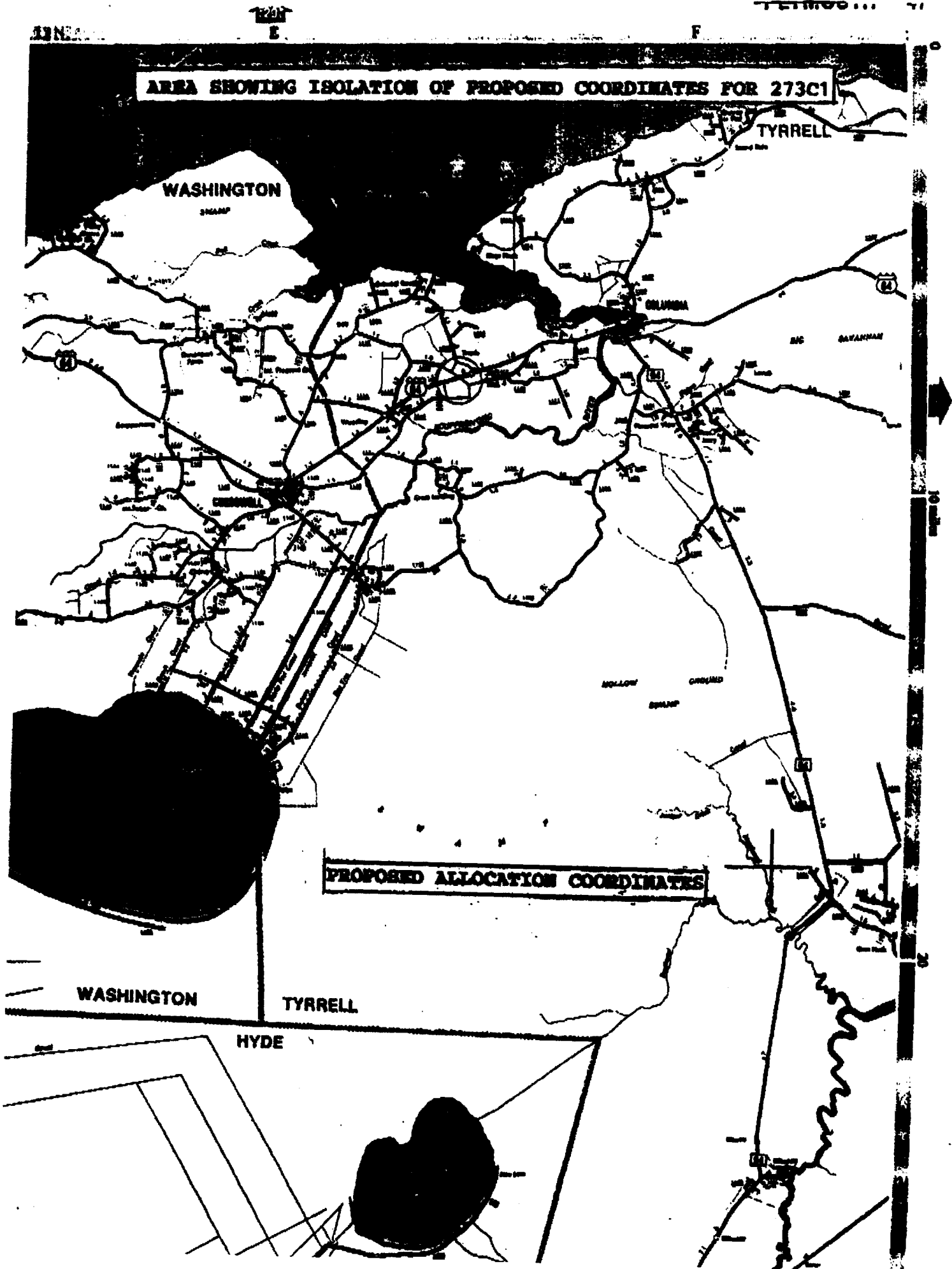


EXHIBIT 2



NUMBER	LOCATION	ALTITUDE	TIME OF USE	CONTROLLING AGENCY
B-3003 A	FOOT BRIDGE, GA	10 TO 25,000	600-900 124 HRS IN ADVANCE	2X OMM
B-3003 B				
B-3003 C	FOOT BRIDGE, GA	10 TO 25,000	600-900 124 HRS IN ADVANCE	2X OMM
B-3001	ADAMS BRIDGE, NC	10 TO 14,000	CONTRACT BY MARCH 24 HRS IN ADVANCE	2X OMM
B-3002 A	HANCOCK, NC	10 TO 14,000	BY MARCH 24 HRS IN ADVANCE	2X OMM
B-3002 B	HANCOCK, NC	100 H2O TO 14,000	BY MARCH 24 HRS IN ADVANCE	2X OMM
B-3003 C	HANCOCK, NC	100 H2O TO 2000	BY MARCH 24 HRS IN ADVANCE	2X OMM
B-3004 A	OSAGE RIVER, NC	10 TO 14,000	CONTRACT	2X OMM
B-3004 B				
B-3004 C				

R-3311 B	DOUG BROWN, INC	7200 S BLVD RD 11200	CONTRACTS	ZC OMR
R-3301 C	DOUG BROWN, INC	11200 S BLVD RD RD R 395	CONTRACTS	ZC OMR
R-3313 A	DOUG BROWN, INC	TO 10,000	GENERAL WORKING 1-31 MS IN ADVANCE	ZC OMR
R-3313 B/C	DOUG BROWN, INC	100 A/L TO 13,000	BY MONTH 24 MS IN ADVANCE	ZC OMR
R-3313 B	DOUG BROWN, INC	500 A/L TO 13,000	BY MONTH 24 MS IN ADVANCE	ZC OMR
R-3314 A/D/E	DOUG BROWN, INC	TO R 395	INSTALLING 600-240 ACCORDING 600-240 TO MS IN ADVANCE	ZC OMR
R-3314 B/C	DOUG BROWN, INC	500 A/L TO R 395	INSTALLING 600-240 ACCORDING 600-240 TO MS IN ADVANCE	ZC OMR
R-3314 D	DOUG BROWN, INC	200 A/L TO 11,000	INSTALLING 600-240 ACCORDING 600-240 TO MS IN ADVANCE	ZC OMR
R-3314 H	DOUG BROWN, INC	500 A/L TO 10,000	INSTALLING 600-240 ACCORDING 600-240 TO MS IN ADVANCE	ZC OMR

EXHIBIT 3

Page 1

Ocracoke, NC
Population Count Detail

Study # : 1

Market :

Run By : ATD

Definition : 1

Study Group : All Persons

----Location---	-----Population-----		
Sta Cty Sub Flc	Total	%	Incl.
--- -- -- --	-----	---	-----
Total Study			144,569
North Carolina	6,628,637	2	144,569
Beaufort County	42,283	11	4,565
Bath township	3,797	27	1,022
Remainder of Bath township	3,643	28	1,022
Richland township	3,543	100	3,543
Carteret County	52,556	100	52,556
Craven County	81,613	84	68,308
Township 2	6,371	100	6,371
Township 5	2,635	100	2,635
Township 6	25,112	100	25,112
Township 7	6,878	100	6,878
Township 8	28,793	95	27,312
New Bern city	17,363	100	17,363
River Bend town	2,408	100	2,408
Trant Woods town	2,366	100	2,366
Remainder of Township 8	6,656	78	5,175
Hyde County	5,411	50	2,713
Currituck township	1,184	42	495
Currituck township	1,184	42	495
Lake Landing township	2,027	26	520
Lake Landing township	2,027	26	520
Ocracoke township	713	100	713
Swan Quarter township	985	100	985
Jones County	9,414	10	946
Township 1, White Oak	1,950	34	661
Remainder of Township 1, White Oak	1,058	62	661
Township 2, Pollocksville	2,406	12	285
Remainder of Township 2, Pollocksville	2,107	14	285
Onslow County	149,838	3	4,109
Swansboro township	10,115	38	3,813
Swansboro town	1,165	100	1,165

EXHIBIT 3

Page 2

Ocracoke, NC
Population Count Detail

Study # : 1

Market :

Run By : ATD

Definition : 1

Study Group : All Persons

-----Location---	-----Population-----		
Sta Cty Sub Plc	Total	%	Incl.
--- --	---	---	-----
North Carolina (cont)			
Onslow County (cont)			
Swansboro township (cont)			
Remainder of Swansboro township	8,950	30	2,648
White Oak township	13,467	2	296
Remainder of White Oak township	4,492	7	296
 Pamlico County	 11,372	 100	 11,372
 Pitt County	 107,924	 0	 0
Grimesland township	6,404	0	0
Remainder of Grimesland township	5,153	0	0

End of study

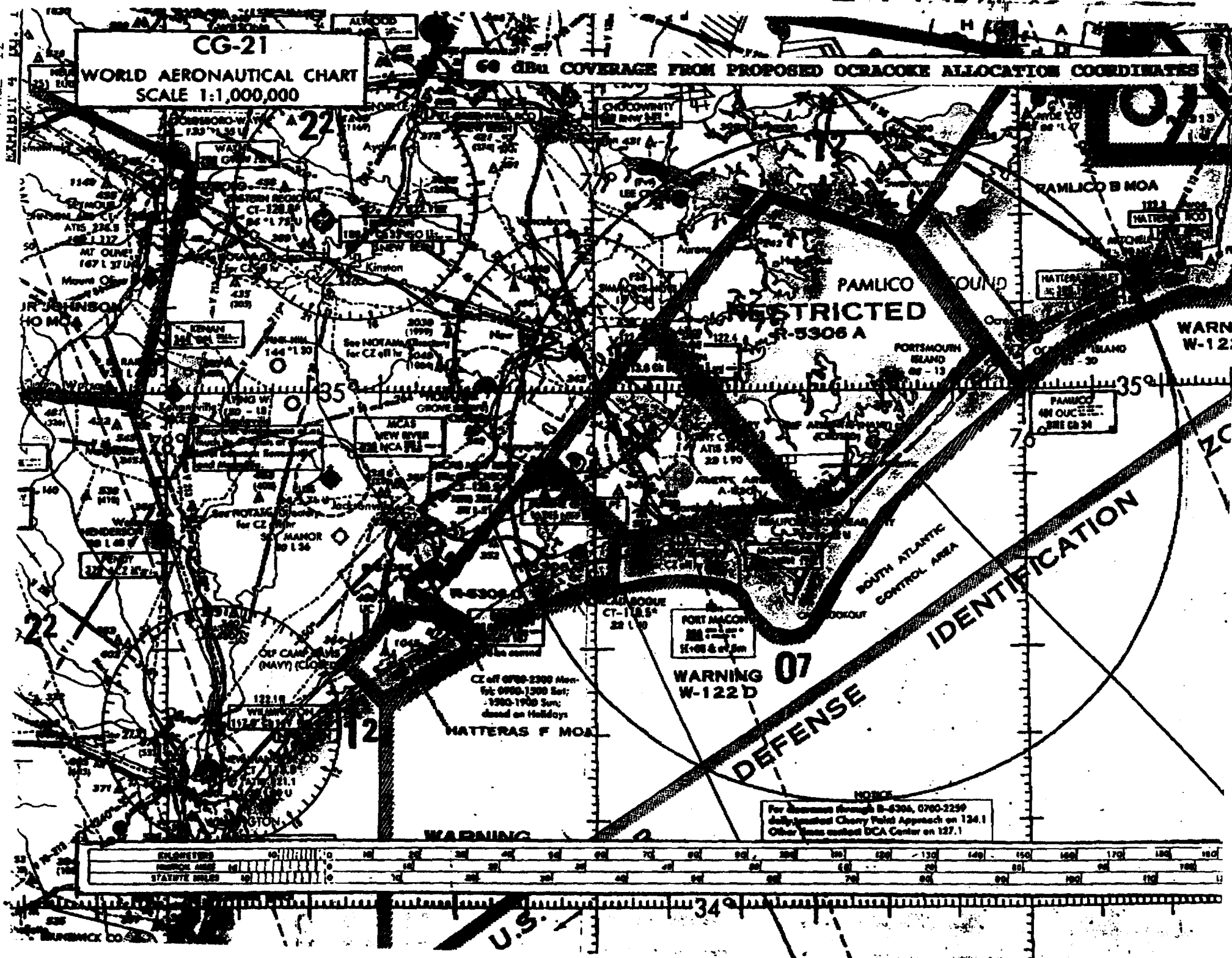


EXHIBIT 4

Page 2

Popcount
Population Count Summary

Market :

Run By : ATD

Study Area : 35 31 N 77 13 W 34 12 S 75 37 E

Study	Households	All
1	74,488	144,569*

* - Detail report included.

Study Name	Definition
1	Ocracoke, NC 1

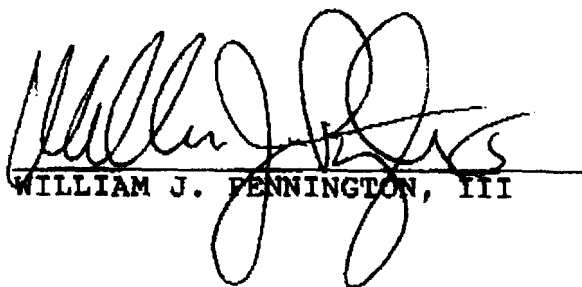
Contour	Cell Sector ID :
1	Location : 34 51 15.0 N 76 24 58.0 W
	Study Name : OCRACOKE, NC

Bear	Dist (kilometers)
0.00	72.40
45.00	72.40
90.00	72.40
135.00	72.40
180.00	72.40
225.00	72.40
270.00	72.40
315.00	72.40

CERTIFICATE OF SERVICE

I, William J. Pennington, III, hereby certify that on this 4th day of October, 1993, I deposited copies of the foregoing "Reply Comments of Ocracoke Broadcasters" in the United State mail, first class, postage prepaid, addressed to the following:

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WILLIAM J. PENNINGTON, III